



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,487	07/21/2003	Naoto Shimada	240513US90	4985

22850 7590 06/30/2006

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

SOBUTKA, PHILIP

ART UNIT PAPER NUMBER

2618

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,487

Applicant(s)

SHIMADA ET AL.

Examiner

Philip J. Sobutka

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/04, 7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonvieri (US 6,571,284) in view of MacNamee (WO 9622636).

Consider claim 1. Suonvieri teaches a radio relay apparatus for relaying communications between a base station and a mobile station (*Suonvieri see figure 3*) comprising:

a determination unit configured to determine a first identification code used as a temporary identification code of the radio relay apparatus, said first identification code being determined in conjunction with an identification code of the base station that

Art Unit: 2618

serves as a target to be relayed to/from by the radio relay apparatus (*Suonvieri* see figure 3, column 6, lines 20-44, note that *Suonvieri's* identification is temporary, lasting only until a network update); and

Suonvieri lacks a teaching of the repeater receiving a second identification code determined by the monitoring apparatus, said monitoring apparatus determining the second identification code based on the first identification code, said second identification code being determined to be different from identification codes of other radio relay apparatuses, wherein the second identification code is used as the formal identification code of the radio relay apparatus.

MacNamee teaches providing repeaters with two id codes, wherein the second is a formal ID that is different from the ID codes of other relays (*MacNamee* see page 6, lines 15-30). MacNamee teaches that this simplifies the prevention of mutual re-transmissions (*MacNamee* see page2, lines 5-33). Therefore it would have been obvious to one of ordinary skill in the art to modify Suonvieri to provide a unique ID as shown in the claim in order to simplify the prevention of re-transmissions as taught by MacNamee.

As to claim 2, Note that Suonvieri teaches the determination unit combines a part identification code base station and characteristic code of the radio relay apparatus, and uses the combined code as the first identification code (*Suonvieri* see figure 3, column 6, lines 20-44).

As to claim 3 Suonvieri teaches the radio relay apparatus as claimed claim in claim 1, further comprising a modification determination unit configured determine

Art Unit: 2618

whether the formal identification code of the radio relay apparatus needs to be modified, wherein when the modification determination unit determines that the formal identification code of the radio relay apparatus needs to be modified, the determination unit determines the first identification code used as the temporary identification code of the radio relay apparatus on the basis of an identification code of another base station (*Suonvieri see figure 3, column 6, lines 20-44, note that Suonvieri's update would function as the claimed modification if the update resulted in the repeater being assigned to another base station*).

As to claim 4 Suonvieri teaches the radio relay apparatus as claimed claim in claim 1, further comprising a transmitter configured transmit the monitoring information including the formal identification code of the radio relay apparatus to the monitoring apparatus (*Suonvieri see figure 1, BTS*).

Consider claim 5. Suonvieri teaches a monitoring apparatus for monitoring a mobile communication system including a base station, a mobile station, and radio relay apparatus for relaying communications between the base station and the mobile station, comprising:

a receiver configured to receive a first identification code from the radio relay apparatus used as a temporary identification code of the radio relay apparatus (*Suonvieri see figure 3, column 6, lines 20-44, note that Suonvieri's identification is temporary, lasting only until a network update*);

Suonvieri lacks a teaching of a determination unit configured to determine a second identification code used as a formal identification code of the radio relay

apparatus and a transmitter configured transmit the formal identification code to the radio relay apparatus.

MacNamee teaches providing repeaters with two id codes, wherein the second is a formal ID that is different from the ID codes of other relays (*MacNamee see page 6, lines 15-30*). MacNamee teaches that this simplifies the prevention of mutual re-transmissions (*MacNamee see page2, lines 5-33*). Therefore it would have been obvious to one of ordinary skill in the art to modify Suonvieri to provide a unique ID as shown in the claim in order to simplify the prevention of re-transmissions as taught by MacNamee. Note that Suonvieri in view of MacNamee would of course have a transmitter in the base station to transmit the unique code (*Suonvieri see figure 1, BTS*).

As to claim 6, Suonvieri teaches the monitoring apparatus as claimed claim in claim 5, wherein the determination unit determines the second identification code that is different from formal identification codes of any other radio relay apparatuses (*Suonvieri see figure 3, column 6, lines 20-44*).

Consider claim 7. Suonvieri teaches a method comprising the steps of:
determining, by the radio relay apparatus, a first identification code used as a temporary identification code of the radio relay apparatus in conjunction with an identification code of the base station serving as a target to be relayed to/from (*Suonvieri see figure 3, column 6, lines 20-44, note that Suonvieri's identification is temporary, lasting only until a network update*); and

Suonvieri lacks a teaching of determining, by the monitoring apparatus, a second identification code based on the first identification code, said second identification code

Art Unit: 2618

being determined to be different from formal identification codes of other radio relay apparatuses, and the radio relay apparatus using the second identification code as the formal identification code thereof.

MacNamee teaches providing repeaters with two id codes, wherein the second is a formal ID that is different from the ID codes of other relays (*MacNamee see page 6, lines 15-30*). MacNamee teaches that this simplifies the prevention of mutual re-transmissions (*MacNamee see page2, lines 5-33*). Therefore it would have been obvious to one of ordinary skill in the art to modify Suonvieri to provide a unique ID as shown in the claim in order to simplify the prevention of re-transmissions as taught by MacNamee. Note that Suonvieri in view of MacNamee would of course have a transmitter in the base station to transmit the unique code (*Suonvieri see figure 1, BTS*).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.


5. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now

located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/21/06
PHILIP J. SOBUTKA
PATENT EXAMINER

Philip J Sobutka

(571) 272-7887